UNITED STATES PATENT AND TRADEMARK OFFICE

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10/083,249	02/27/2002	Joseph Giordano	24124.000172	8236

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EXAMINER
GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
3691	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *1/8/09.*

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-26 and 52-71* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-26 and 52-71* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

SUNNPLMENTAL ACTION

1. In view of the Appeal Brief filed on 01/8/09 PROSECUTION IS HEREBY REOPENED. New grounds of rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b) (2).

2. Claims 21-26, 52-71 remained pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 21-26, 52-71, are rejected under 35 U.S.C. 103(a) as being unpatentable over by Kaehler et al (Hereinafter Kaehler 6, 089, 284) in view of Dahm et al (Hereinafter Dahm 6, 301, 471).

As per claim 21, Kaehler discloses a method for enrolling users in a transaction processing program, comprising:

receiving transmitter identification data and payment information from a customer transponder to a point-of-sale device, electronically associating said transmitter identification data with said payment information (see column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9) transmitting said associated transmitter identification data and said payment information to a host transaction processing system (see column 12 lines 28 -65 and column 19 lines 3-67).

Kaehler fail to explicitly teach electronically enrolling a user associated with the a customer transponder by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system.

However Dahm discloses once a subscriber has been identified as being at risk for churning, a loyalty Service Server application generates a customized message to the subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a longer term. This notification would appear as a customer service message from the Service Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at any time from anywhere. Thereafter, when the customer service message is selected, it executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-line customer service application (i.e. a Loyalty Service Server application running on a customer service server). This application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means for the customer to complete the application on-line (see see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include electronically enrolling a user associated with the a customer transponder by storing enrollment data comprising said associated transmitter identification data and said payment information in said host transaction processing system taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 22, Kaehler discloses wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof. (see column 18 lines 11-23).

As per claim 23, Kaehler discloses further comprising transmitting additional customer information to said host transaction processing system, associating said additional customer information with said transmitter identification data and said payment information, and storing said associated additional customer information, transmitter identification data and said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 24, Kaehler discloses a method for enrolling users in a transaction processing program, comprising:

receiving transmitter identification data and payment information from a customer

transponder at one of a plurality of point-of-sale devices (see column 7 lines 1-10 and
column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9)
transmitting said transmitter identification data and said payment information to a host
transaction processing system (see column 12 lines 28 -65 and column 19 lines 3-67)
electronically assigning a unique customer identifier that corresponds to said transmitter
identification data see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-
65 and fig: 9) associating said unique customer identifier, said transmitter identification data
and said payment information and comprising said associated unique customer identifier,
transmitter identification data and said payment information (see column 7 lines 1-10 and
column 19 lines 3-67 and column 12 lines 28-65 and fig: 9).

Kaehler fail to explicitly teach electronically enrolling a user associated with the a
customer transponder by storing enrollment data comprising said associated unique customer
identifier, transmitter identification data and payment information in said host transaction
processing system.

However Dahm discloses once a subscriber has been identified as being at risk for
churning, a loyalty Service Server application generates a customized message to the
subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a
longer term. This notification would appear as a customer service message from the Service
Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at
any time from anywhere. Thereafter, when the customer service message is selected, it
executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-
line customer service application (i.e. a Loyalty Service Server application running on a
customer service server). This application provides the subscriber with information relating to
the terms and benefits of the service provider's offer. Additionally, this system provides a
means for the customer to complete the application on-line (see see column 1 lines 54-65 and
column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the teachings of Kaehler to include electronically enrolling a
user associated with the a customer transponder by storing enrollment data comprising said
associated unique customer identifier, transmitter identification data and payment information
in said host transaction processing system taught by Dahm in order to provide mobile

subscribers who have been identified as being likely candidates for churning to efficiently,
visually and interactively, review an offer for a mobile service plan better meeting the
subscriber's needs.

As per claim 25, Kaehler discloses wherein said payment information corresponds to a
credit card, debit card, or bank account, or a combination thereof (see column 18 lines 11-23).

As per claim 26, Kaehler discloses further comprising transmitting additional customer
information to said host transaction processing system, associating said additional customer
information with said transmitter identification data and said payment information, and
storing said associated additional customer information, transmitter identification data and
said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column
19 lines 11-23 and fig: 9).

As per claim 52, Kaehler further comprising:
providing the customer transponder associated with the transmitter identification data to a
customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 53, Kaehler discloses wherein the providing the customer transponder and
receiving the transmitter data and payment information occurs at a merchant location (see
column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 54, Kaehler discloses further comprising:
providing the customer transponder associated with the transmitter identification data to a
customer (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 55, Kaehler discloses wherein the providing the customer transponder and
receiving the transmitter data and payment information occurs at a merchant location (see
column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 56, Kaehler discloses further comprising:
verifying the payment information (see column 7 lines 1-10 and column 19 lines 3-67 and fig:
9)

As per claim 57, Kaehler discloses further comprising:
verifying the payment information. (see column 7 lines 1-10 and column 19 lines 3-67 and
fig: 9).

As per claim 58, Kaehler discloses a system, comprising:
a merchant reader that receives transmitter identification data and payment information,

electronically associates said transmitter identification data with said payment information, and transmits said associated transmitter identification data and said payment information to a host transaction processing system (see column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9 and column 12 lines 28 -65 and column 19 lines 3-67).

Kaehler fail to explicitly a host processing system that receives said transmitted information and enrolls a user associated with a customer transmitter by storing enrolment data comprising said associated transmitter identification data and said payment information in said host transaction processing system data.

However Dahm discloses once a subscriber has been identified as being at risk for churning, a loyalty Service Server application generates a customized message to the subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a longer term. This notification would appear as a customer service message from the Service Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at any time from anywhere. Thereafter, when the customer service message is selected, it executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-line customer service application (i.e. a Loyalty Service Server application running on a customer service server). This application provides the subscriber with information relating to the terms and benefits of the service provider's offer. Additionally, this system provides a means for the customer to complete the application on-line (see column 1 lines 54-65 and column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Kaehler to include a host processing system that receives said transmitted information and enrolls a user associated with a customer transmitter by storing enrolment data comprising said associated transmitter identification data and said payment information in said host transaction processing system data taught by Dahm in order to provide mobile subscribers who have been identified as being likely candidates for churning, to efficiently, visually and interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 59, Kaehler discloses wherein said payment information corresponds to a credit card, debit card, or bank account, or a combination thereof (see column 18 lines 11-23).

As per claim 60, Kaehler discloses wherein said merchant reader receives additional customer information and transmits the additional customer information to said host transaction processing system, and wherein said host processing system associates said additional customer information with said transmitter identification data and said payment information, and stores said associated additional customer information, transmitter identification data and said payment information(see column 12 lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 61, Kaehler discloses wherein said merchant reader is associated with a point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9).

As per claim 62, Kaehler discloses a system, comprising:
a merchant reader that receives transmitter identification data and payment information and transmits said transmitter identification data and said payment information to a host transaction processing system(see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9) and a host transaction processing system that electronically assigns a unique customer identifier that corresponds to said transmitter identification data associates said unique customer identifier(see column 12 lines 28 -65 and column 19 lines 3-67) said transmitter identification data and said payment information(see column 12 lines 28 -65 and column 19 lines 3-67 and column 7 lines 1-10 and column 19 lines 3-67 and column 15 lines 14-28 and column 17-18 lines 1-67 and fig: 9).

Kaehler fail to explicitly teach enrolls a user associated with a customer transmitter by storing enrollment data comprising said associated unique customer identifier, transmitter identification data and payment information in said host transaction processing system.

However Dahm discloses once a subscriber has been identified as being at risk for churning, a loyalty Service Server application generates a customized message to the subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a longer term. This notification would appear as a customer service message from the Service Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at any time from anywhere. Thereafter, when the customer service message is selected, it executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-line customer service application (i.e. a Loyalty Service Server application running on a customer service server). This application provides the subscriber with information relating to

the terms and benefits of the service provider's offer. Additionally, this system provides a

means for the customer to complete the application on-line (see column 1 lines 54-65 and

column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teachings of Kaehler to include enrolls a user associated

with a customer transmitter by storing enrollment data comprising said associated unique

customer identifier, transmitter identification data and payment information in said host

transaction processing system taught by Dahm in order to provide mobile subscribers who

have been identified as being likely candidates for churning, to efficiently, visually and

interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 63, Kaehler discloses wherein said payment information corresponds to a

credit card, debit card, or bank account, or a combination thereof (see column 18 lines 11-23).

As per claim 64, Kaehler discloses wherein said merchant reader receives additional

customer information and transmits the additional customer information to said host

transaction processing system, and wherein said host processing system associates said

additional customer information with said transmitter identification data and said payment

information, and stores said associated additional customer information, transmitter

identification data and said payment information (see column 12 lines 28 -65 and column 19

lines 3-67 and column 19 lines 11-23 and fig: 9).

As per claim 65, Kaehler discloses wherein said merchant reader is associated with a

point-of-sale device. (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

As per claim 66, Kaehler discloses a method for enrolling users in a transaction

processing program, comprising:

receiving transmitter identification data and payment information at a point-of-sale device

automatically associating said transmitter identification data with said payment

information(see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)

transmitting said associated transmitter identification data and said payment information to a

host transaction processing system(see column 12 lines 28 -65 and column 19 lines 3-67)

and. (see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-65 and fig:

9).

Kaehler fail to explicitly teach automatically enrolling a user associated with a customer

transponder by storing enrollment data and comprising said associated transmitter

identification data and said payment information in said host transaction processing system.

However Dahm discloses once a subscriber has been identified as being at risk for

churning, a loyalty Service Server application generates a customized message to the

subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a

longer term. This notification would appear as a customer service message from the Service

Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at

any time from anywhere. Thereafter, when the customer service message is selected, it

executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-

line customer service application (i.e. a Loyalty Service Server application running on a

customer service server). This application provides the subscriber with information relating to

the terms and benefits of the service provider's offer. Additionally, this system provides a

means for the customer to complete the application on-line (see column 1 lines 54-65 and

column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teachings of Kaehler to include automatically enrolling a

user associated with a customer transponder by storing enrollment data and comprising said

associated transmitter identification data and said payment information in said host

transaction processing system taught by Dahm in order to provide mobile subscribers who

have been identified as being likely candidates for churning, to efficiently, visually and

interactively, review an offer for a mobile service plan better meeting the subscriber's needs.

As per claim 67, Kaehler discloses wherein said payment information corresponds to a

credit card, debit card, or bank account, or a combination thereof (see column 18 lines 11-23).

As per claim 68, Kaehler discloses further comprising transmitting additional customer

information to said host transaction processing system, associating said additional customer

information with said transmitter identification data and said payment information, and

storing said associated additional customer information, transmitter identification data and

said payment information (see column 12 lines 28 -65 and column 19 lines 3-67 and column

19 lines 11-23 and fig: 9).

As per claim 69, Kaehler discloses a method for enrolling users in a transaction
processing program, comprising:
receiving transmitter identification data and payment information at one of a plurality of
point-of-sale devices (see column 7 lines 1-10 and column 19 lines 3-67 and fig: 9)
transmitting said transmitter identification data and said payment information to a host
transaction processing system(see column 12 lines 28 -65 and column 19 lines 3-67)
automatically assigning a unique customer identifier that corresponds to said transmitter
identification data(see column 7 lines 1-10 and column 19 lines 3-67 and column 12 lines 28-
65 and fig: 9) associating said unique customer identifier, said transmitter identification data
and said payment information (see column 7 lines 1-10 and column 19 lines 3-67 and column
12 lines 28-65 and fig: 9).

Kaehler fail to explicitly teach and automatically enrolling a user associated with a
customer transponder by storing enrollment data and comprising said associated unique
customer identifier, transmitter identification data and payment information in said host
transaction processing system.

However Dahm discloses once a subscriber has been identified as being at risk for
churning, a loyalty Service Server application generates a customized message to the
subscriber's mobile device that offers incentives in exchange for agreeing to a contract with a
longer term. This notification would appear as a customer service message from the Service
Provider and is placed in the mobile device's inbox which can be accessed by the subscriber at
any time from anywhere. Thereafter, when the customer service message is selected, it
executes an underlying Uniform Resource Identifier (URI) that takes the subscriber to an on-
line customer service application (i.e. a Loyalty Service Server application running on a
customer service server). This application provides the subscriber with information relating to
the terms and benefits of the service provider's offer. Additionally, this system provides a
means for the customer to complete the application on-line (see column 1 lines 54-65 and
column 2 lines 42-57 and column 3 lines 53-67 and column 7 lines 38-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the teachings of Kaehler to include automatically enrolling a
user associated with a customer transponder by storing enrollment data and comprising said
associated unique customer identifier, transmitter identification data and payment information

in said host transaction processing system taught by Dahm in order to provide mobile

subscribers who have been identified as being likely candidates for churning, to efficiently,

visually and interactively, review an offer for a mobile service plan better meeting the

subscriber's needs.

As per claim 70, Kaehler discloses wherein said payment information corresponds to a

credit card, debit card, or bank account, or a combination thereof (see column 18 lines 11-23).

As per claim 71, Kaehler discloses further comprising transmitting additional

customer information to said host transaction processing system, associating

said additional customer information with said transmitter identification data and

said payment information, and storing said associated additional customer

information, transmitter identification data and said payment information (see column 12

lines 28 -65 and column 19 lines 3-67 and column 19 lines 11-23 and fig: 9).

Conclusion
RESPONSE TO ARGUMENTS

5. Applicant's arguments filed 1/8/2009 has been fully considered but they are moot in view

of new grounds of rejections.

6. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Clement B. Graham whose telephone number is 571-272-6795. The

examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access

to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or

571-272-1000.

CG   /Alexander Kalinowski/
                                                               Supervisory Patent Examiner, Art Unit
January 12, 2010   3691